

**REMARKS**

Claims 1-7 are all the claims pending in the application.

Claims 1-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Iverson et al. (U.S. Patent No. 5,832,234, hereinafter “Iverson”). Claims 1-3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jeong (U.S. Patent No. 6,393, 060, hereinafter “Jeong”).

Applicant submits the following in traversal of the claim rejections.

**Rejection of Claims 1-7 under § 103(a) over Iverson**

Applicant respectfully submits that claim 1 is believed to be patentable because Iverson fails to teach, suggest or provide motivation for the SAD examiner as recited in the claim. In the Office Action, the Examiner alleges that:

While the Applicant’s points are understood, the examiner respectfully disagrees. The examiner notes that regardless of whether the frame is evaluated in units of blocks or macroblocks, Jeong discloses in column 7, lines 18-34 and Iverson discloses in column 5, lines 42-65, that the entire frame is encoded in either an intra or inter mode based on the result of the comparison of the SAD value with a threshold.

Applicant disagrees. There is absolutely nothing in Iverson which discloses encoding the entire frame in either an intra or inter mode based on the result of the comparison of the SAD value with a threshold because Iverson makes a block-by-block determination of the encoding scheme. Applicant requests the Examiner to point out exactly where such a feature is disclosed in Iverson because the sections cited by the Examiner only discloses a block-by-block determination.

As a result of such block-by-block determination of the encoding type, Iverson discloses at column 6, lines 1-10, that certain blocks are forced to be “encoded as empty blocks which should be encoded using interframe or intraframe encoding.” Therefore, the encoding scheme disclosed in Iverson cannot possibly encode the entire frame in an intra-coding mode or in an inter-coding mode because of such empty blocks.

For reasons similar to those submitted for claim 1, independent claims 2 and 3 are believed to be patentable.

Claims 4, 5, 6 and 7, which depend from claims 1, 2 or 3, are believed to be patentable for at least the reasons submitted for claim 1.

Further, Applicant submits that claims 4, 6 and 7 are believed to be patentable because Iverson fails to teach, suggest or provide motivation for:

a device wherein the SAD examiner generates the coding selection information after the plurality of SAD values of the present frame are received (claim 4);

a method wherein the step of detecting comprises detecting a plurality of SAD values of the input frame and receiving the plurality of SAD values of the input frame and the step of determining whether the detected SAD value exceeds the SAD threshold is carried out after receiving the plurality of SAD values (claim 6);

a device wherein the SAD examiner receives a plurality of SAD values of the present input frame and the SAD examiner generates the coding selection

information after the plurality of SAD values of the present input frame are received (claim 7).

Since, the section of Iverson cited by the Examiner discloses a block-by-block determination of encoding scheme and there is nothing to suggest that some sort of a SAD examiner in Iverson would necessarily receive a plurality of SAD values, claims 4, 6 and 7 are not obvious in view of Iverson.

Applicant respectfully points out that the Examiner's rejection is based on the teachings of the conventional block classification scheme disclosed at col. 5, lines 42-67. Therefore, the Examiner is not permitted to cite the teachings of another embodiment in Iverson to make up for the deficiencies of the conventional block classification scheme unless there is a suggestion to do so. See MPEP § 2131 ("mixing and matching of components from different embodiments is impermissible because '[t]he elements must be arranged as required by the claim.'"); and In re Kramer, 18 USPQ2d 1415, 1416 (Fed. Cir. 1991) ("The teachings of different embodiments in a single reference may not be combined absent a suggestion to do so."). In other words, the Examiner is not permitted to combine the teachings of the conventional block classification scheme with the teachings in a "preferred embodiment" of Iverson, absent a suggestion to do so.

Rejection of Claims 1-3 under § 103(a) over Jeong

Applicant submits that claim 1 is patentable over Jeong because Jeong fails to teach, suggest or provide motivation for the SAD examiner as recited in the claim. Applicant respectfully requests the Examiner to point out where Jeong allegedly discloses encoding the entire frame in either an intra or inter mode based on the result of the comparison of the SAD value with a threshold.

RESPONSE UNDER 37 C.F.R. § 1.111  
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Although the Examiner cites column 7, lines 18-34 of Jeong as allegedly disclosing the SAD examiner as claimed, these sections merely relate to the macroblock-by-macroblock selection of intra mode or the inter mode.

Therefore, claim 1 is believed to be patentable. Claims 2 and 3 are believed to be patentable for reasons similar to those submitted for claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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